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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,484	03/30/2004	Cezary Dubnicki	02022-B	5531
7590	08/04/2009			
NEC Laboratories America, Inc. 4 Independence Way Princeton, NJ 08540			EXAMINER	
			TODD, GREGORY G	
		ART UNIT	PAPER NUMBER	
		2457		
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			08/04/2009	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/813,484	<b>Applicant(s)</b> DUBNICKI ET AL.
	<b>Examiner</b> GREGORY G. TODD	<b>Art Unit</b> 2457

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 27 February 2009.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 1-10,21 and 25 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-10,21 and 25 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/96/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

1. This office action is in response to applicant's petition to revive filed, 27 February 2009, of application filed, with the above serial number, on 30 March 2004 in which claims 1-10, 21, and 25 have been elected and claims 1, 6, and 21 have been amended in response filed 22 October 2007. Claims 1-10, 21, and 25 are pending in the application.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-10, 21, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhang et al (hereinafter "Zhang", 6,985,928) in view of Ratnasamy et al (hereinafter "Ratnasamy", "A scalable content addressable network").

As per Claim 1, Zhang teaches a method for improving utilization in a peer-to-peer network having a plurality of nodes, the method comprising:

one or more storage slots in each node in the peer-to-peer network, a first portion of the storage slots hosting storage zones and any remaining storage slots at each

node allocated as a free slot reserve storage slot (at least col. 2, lines 27-42; col. 3 line 47 – col. 4 line 54; p2p system consisting of nodes being in storage zones);

storing data in the storage zones (at least col. 3, lines 55-67; objects stored in zones); and

when a storage zone reaches a full capacity of the storage zone, splitting the data in the the storage zone into a first and second portion, converting a free slot reserve storage slot into a new storage zone, and transferring the second portion of the data to the new storage zone (at least col. 3 line 47 - col. 4 line 54; parent zone split into two subzones, zones being crowded – placing (converting) object in other (new) subzone).

Zhang fails to explicitly teach each node storing data in the storage slots hosting storage zones. However, the use and advantages for using such a system is well known to one skilled in the art at the time the invention was made as evidenced by the teachings of Ratnasamy. Ratnasamy teaches each node in a peer to peer network storing and hosting a zone of a hash table including data and when a zone becomes full, splitting the zone in half and single nodes storing multiple zones (see p. 162, col. 1:5-10; p. 163 col. 1; p. 165 col. 2; p. 164 col. 1:1-13; Fig. 1). Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the use of Ratnasamy's zoning with Zhang as they are both in the same endeavor and Ratnasamy would more efficiently index a peer to peer system to scale

over many nodes and split data among nodes when nodes are underutilized or over utilized.

As per Claim 2. The method of claim 1 wherein each node is assigned more storage slots than its actual physical capacity allows (at least col. 4 line 39 – col. 5 line 34; storage utilization).

As per Claim 3. The method of claim 2 wherein each node is allocated N-1 virtual slots for each N storage slots allocated (at least col. 3 line 47 - col. 4 line 54).

As per Claim 4. The method of claim 2 wherein a storage zone at a node is transferred to another node in the peer-to-peer network if the data inserted into the storage zones at the node fills the actual physical capacity of the node (at least col. 4 line 39 – col. 5 line 56; storage utilization).

As per Claim 5. The method of claim 4 where a local search for candidate nodes in a transfer set is conducted prior to transfer of the storage zone (at least col. 4 line 39 – col. 5 line 34; subzone having least # of nodes).

As per Claim 6. The method of claim 1 wherein the new storage zone is transferred to and hosted by a free slot reserve storage slot on a different node when the storage zones hosted at the node exceed the storage slots allocated at the node (at least col. 4 line 39 – col. 5 line 34; node in available subzone).

As per Claim 7. The method of claim 6 where a local search for candidate nodes in a transfer set is conducted prior to transfer of the new storage zone at least col. 4 line 39 – col. 5 line 34).

As per Claim 8. The method of claim 1 wherein the data is associated with hashkeys of a hash function and where each storage zone is responsible for a subset of all hashkeys (at least col. 2, lines 52-60; DHS).

As per Claim 9. The method of claim 8 wherein the hashkeys are uniformly distributed by the hash function (at least col. 2, lines 52-60; DHS).

As per Claim 10. The method of claim 1 wherein the storage slots are of a fixed-size (at least col. 3, lines 55-67; one size for parent zone).

As per Claim 21. The method of claim 1, wherein each storage zone is hosted by a storage slot located within a particular physical node (at least col. 3, lines 14-21).

As per Claim 25. The method of claim 1, wherein a zone is hosted within a slot and a size of the slot is a system-wide constant representing the limit size to which a zone can grow before it fills the slot and it must be split (at least col. 3 line 55 – col. 4 line 54; one size for parent zone, zone is logical space including one or more objects).

#### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1-10, 21, and 25 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Newly cited Sutherland et al, in addition to previously cited Goodman, Moulton et al, Franzenburg, Tormasov et al, and Hensley et al are cited for disclosing pertinent information related to the claimed invention. Applicants are requested to consider the prior art reference for relevant teachings when responding to this office action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to GREGORY G. TODD whose telephone number is

(571)272-4011. The examiner can normally be reached on Monday - Friday 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571)272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/G. G. T./  
Examiner, Art Unit 2457

/ARIO ETIENNE/  
Supervisory Patent Examiner, Art Unit 2457